

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

**MARK NUTTER,
Defendant**

05-CR-10136-RGS

MOTION TO CONTINUE SENTENCING HEARING

Now comes counsel for the defendant and requests this Honorable Court to continue the sentencing date presently scheduled for February 13, 2008.

In support of this motion counsel states that he has recently received information from Mr. Nutter's oncologist concerning Mr. Nutter's medical condition. As counsel has previously informed the Court Mr. Nutter has been diagnosed with lymphoma. Mr. Nutter underwent chemotherapy, radiation therapy and immune system boosting therapy. The treatment was somewhat successful in that the cancer went into remission.

On December 12, 2007, Mr. Nutter's doctor administered a P. E. T. scan. The doctor has reported that abnormal activity was found which indicates recurrent lymphoma. On January 10, 2008, Mr. Nutter's doctor administered a CT scan. The doctor has reported that additional areas of abnormal activity were found to be present which confirms the diagnosis of recurrent lymphoma. Mr. Nutter is now undergoing a 60 week cycle of Chemotherapy, Radiation therapy, and immune system boosting therapy. A follow-up P. E. T. scan is scheduled for October 17, 2008.

Counsel is requesting additional time so Mr. Nutter will be able to continue his treatment in an attempt to return the cancer into remission.

Counsel is in possession of the opinion letter written by Mr. Nutter's oncologist. Counsel will make a copy of the letter available if this Honorable Court would like to review the contents of the letter.

/s/ Stephen J. Weymouth

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to registered participants on February 5, 2008.

/s/ Stephen J. Weymouth